

Readopt with amendment Ins 100, effective 11-10-03 (Document #7984), to read as follows:

CHAPTER Ins 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 400-A:15, ***I***; ***RSA 541-A:16, I(a)***

PART Ins 101 DEFINITIONS

Ins 101.01 “Commissioner” means ~~[the New Hampshire insurance]~~ “commissioner” ***as set forth in RSA 400-A:3.***

Ins 101.02 “Department” means the New Hampshire insurance department~~[, an independent regulatory agency].~~

PART Ins 102 DESCRIPTION OF DEPARTMENT

Ins 102.01 Commissioner; ~~Commissioner's Office~~ ***Administration Division.***

(a) The department is under the direction of the commissioner.

(b) The commissioner, ~~[senior administrator for]~~ ***as head of*** the department, implements the policies and programs of the department, submits the budget and has a grant of authority pursuant to RSA 400-A:3.

(c) ~~[The commissioner's office is responsible for the general oversight and operational needs of the department and the supervision of the department's various divisions which are herein described.]~~ ***Pursuant to RSA 400-A:6, II, the deputy commissioner performs the duties and exercises the power of the commissioner as authorized by the commissioner. In the vacancy or incapacity of the commissioner, the deputy commissioner becomes the acting commissioner.***

(d) ***Pursuant to RSA 400-A:6, III-a, the assistant commissioner performs the duties and exercises the power of the commissioner as authorized by the commissioner. In the vacancy or incapacity of the commissioner and the deputy commissioner, the assistant commissioner becomes the acting commissioner.***

(e) ***The administration division is responsible for the general oversight and operational needs of the department, including personnel management and the supervision of the department's various divisions which are herein described.***

(f) ***The department may be contacted by telephone directly, 603-271-2261, TDD access relay 800-735-2964, by email at requests@ins.nh.gov, by facsimile 603-271-1406, or by writing to the insurance commissioner to the at the New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, N.H. 03301.***

Ins 102.02 Business ~~Administration~~ ***Operations Division.***

(a) The ~~[administrative division]~~ ***business unit*** is responsible for general office matters which includes:

- (1) ~~[Payroll preparation,]~~ ***Federal grants accounting;***
- (2) ~~[Payment of bills,]~~ ***Project management;***
- (3) Requisitioning of supplies and equipment~~[,]~~;

- (4) ~~Agency [B]~~budget preparation[-];
- (5) ~~[Personnel management,]~~ **Information technology initiatives;**
- (6) ~~[Maintaining records,]~~ **Facilities management;**
- (7) Journalizing and depositing all monies received and disbursed[-];
- (8) **Accounts payable; and**
- (9) **Accounts receivable.**

(b) **The producer licensing unit has responsibility for the collection of fees and the licensing and examination of producers and adjusters both resident and non-resident in accordance with RSA 402-B, 402-D, and 402-J. The producer licensing unit** ~~[This division]~~ may be contacted directly by telephone, (603) 271-~~2261~~0203, TDD access relay 800-735-2964, by facsimile 603-271-~~1406~~7029, **by email at producerquestions@ins.nh.gov**, or by writing to the insurance commissioner, to the attention of the ~~[administrative division]~~ **producer licensing unit** at the New Hampshire insurance department, ~~[56 Old Suncook Road]~~**21 South Fruit Street, Suite 14**, Concord, New Hampshire 03301.

(c) **The premium tax unit is responsible for:**

- (1) **Collecting and auditing the premium tax returns in accordance with RSA 400-A, RSA 405, RSA 405-A, RSA 405-B, and RSA 406-B;**
- (2) **Calculating, invoicing, and collecting assessments for the department's administration fund in accordance with RSA 400-A:39; and**
- (3) **Assisting in the development of projections for general fund revenues received by the department, and monitoring and reporting variances between the actual general fund revenue and estimated revenue.**

Ins 102.03 ~~[Actuarial and Analytical]~~ **Data Analytics Division** ~~[The division is comprised of 2 sections as follows:]~~.

(a) ~~[A]~~ **In accordance with RSA 400-A:6, VII, the chief** life, accident and health actuary ~~[assigned to the division]~~ is responsible for:

- (1) Reviewing actuarial aspects of policy form and rate filings to determine that premium rates are not excessive, inadequate or unfairly discriminatory and that premium rates conform to statutory requirements;
- (2) ~~[Verifying that policy values conform to statutory requirements;]~~
- ~~[(3)]~~ Assisting ~~[in the drafting of legislation,]~~ **the commissioner with** setting ~~[of]~~ regulatory policy and providing expertise on life, accident and health insurance matters as requested by the commissioner; and
- ~~[(4)]~~ Assisting the financial examinations section in reviewing insurance company financial statements with emphasis on determining conformance with statutory requirements and assessing financial standing and responsibility.

(b) ~~[A]~~ **In accordance with RSA 400-A:6, VII, the chief** property and casualty actuary, **with the assistance of the property and casualty actuary and the workers' compensation analyst**, ~~[assigned to the division]~~ is responsible for:

(1) Reviewing actuarial aspects of policy form, rule and rate filings to determine that premium rates and rating plans are not excessive, inadequate or unfairly discriminatory and that premium rates conform to statutory requirements; **and**

(2) ~~[Reviewing workers' compensation rate filings and participating in the annual workers' compensation rate hearing;]~~

~~[(3)]~~ Assisting ~~[in the drafting of legislation,]~~ **the commissioner with** setting ~~[of]~~ regulatory policy and providing actuarial expertise on property and casualty matters ~~[as requested by the commissioner; and].~~

~~[(4)]~~ Assisting the financial examinations section in reviewing insurance company financial statements with emphasis on determining conformance with statutory requirements and assessing financial standing and responsibility.]

(c) In accordance with RSA 400-A:6, VII, the director of healthcare analytics is responsible for:

(1) Supervising the collection and use of data in support of department health care cost and health insurance market transparency efforts; and

(2) Exploring new methods of empowering consumers through actionable information.

(d) In accordance with RSA 400-A:6, VII, the director of health economics is responsible for:

(1) Representing the department with industry, the legislature, and the public, on issues related to health insurance policy, transparency, health care costs, health care data, and projects impacting the health care delivery system in NH; and

(2) Providing health finance and policy expertise on related matters as requested by the commissioner.

Ins 102.04 Legal [Counsel] Division. [A legal counsel for the department interprets existing laws and rules, and conducts research to develop departmental policy positions.] ***This division is comprised of the legal counsel unit, the enforcement unit, and the fraud unit, under the direction and supervision of the general counsel. Pursuant to RSA 400-A:6, VII, the general counsel performs the duties and exercises the power of the commissioner as authorized by the commissioner.***

(a) The legal counsel unit interprets existing laws and rules pertaining to insurance regulation, conducts research to develop departmental policy, and participates in the department's legislative and rulemaking process.

(b) The enforcement unit assists the department in meeting its mission of promoting and protecting the public good by ensuring the existence of a safe and competitive insurance marketplace through the equitable enforcement of New Hampshire's insurance laws and rules. The compliance and enforcement counsel manages the unit in accordance with RSA 400-A:6, VII.

(c) The fraud unit conducts criminal investigations and collaborates with other law enforcement agencies to prevent insurance fraud and other insurance-related crimes pursuant to RSA 417:23. The fraud unit may be contacted directly by telephone, 603-271-2261 or 1-800-852-3416, TDD access relay 800-735-2964, by facsimile, 603-271-1406, by email nhfraud@ins.nh.gov, or by written communication addressed to the insurance commissioner to the attention of the fraud unit at the New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, N.H. 03301.

Ins 102.05 ~~Health Policy.~~ This division is responsible for conducting research and analysis to support the development of policies relating to a range of emerging issues in the health insurance marketplace.] ***Life and Health Division.*** *This division is comprised of life and health market conduct examinations unit, life and health form examinations unit, and a health reform coordinator. Pursuant to RSA 400-A:6, VII, the health reform coordinator performs the duties and exercises the power of the commissioner as authorized by the commissioner.*

(a) *The life and health market conduct examinations unit is described as follows:*

- (1) *The market conduct examinations division performs on-site market conduct examinations, desk reviews, investigations, surveys, market analyses and other steps to determine whether licensees of the department are performing in the marketplace following the laws and rules of this state;*
- (2) *This division has primary responsibility to regulate and oversee the marketplace operations of insurance department licensees and any other entities regulated by the department;*
- (3) *The market conduct examinations division addresses market conduct problems using a variety of approaches including proactive outreach, department communications, licensee interviews, information gathering, licensee policies and procedures reviews, interrogatories, voluntary compliance programs, investigations, examinations, compliance programs and enforcement actions; and*
- (4) *The market conduct examinations division shares and coordinates its results and certain activities with other states through participation in resources developed by the National Association of Insurance Commissioners (NAIC).*

(b) *The life and health forms examinations unit examines the rates and forms for all life and accident and health policies, riders, endorsements and applications, submitted to the section for approval prior to use to ensure conformity to the laws and rules of the state of New Hampshire.*

Ins 102.06 ~~Financial [Examinations & Licensing]~~ ***Regulation Division.*** *The financial regulation division is responsible for ensuring company solvency, conducting financial examinations, financial analysis, and licensing and registering all domestic and foreign companies and all other regulated entities. The director of financial regulation manages the division in accordance with RSA 400-A:6, VII. The financial [examinations and licensing] regulation division is [subdivided into] comprised of 2 [sections] units as follows:*

(a) ~~The financial examinations [section reviews financial records filed with the department by all licensed insurance companies. It grants, suspends and revokes company licenses based on financial condition or other changes in a company's business affairs.~~

~~(b) This section also]~~ *unit* ~~conducts the on-site financial examination of domestic or foreign insurance companies located throughout the United States. The chief financial examiner manages the unit in accordance with RSA 400-A:6, VII; and~~

(b) *The financial analysis and company licensing unit:*

- (1) *Reviews financial records filed with the department by all licensed insurance companies;*
- (2) *Grants, suspends, and revokes company licenses based on financial condition or other changes in a company's business affairs; and*

(3)

~~[(e) This section h]~~ **H**as primary responsibility for the regulation of surplus lines or excess insurance as defined in RSA 405:24 through RSA 405:31.

~~[(d) This section is also responsible for the licensing and examination of Premium Finance Companies, Automobile Motor Clubs and Continuing Care Retirement Communities.~~

~~(e) The financial examinations section may be contacted by telephone directly at (603) 271-2241, TDD access relay 800-735-2964, by facsimile, 603-271-7029, or by writing to the insurance commissioner to the attention of the financial examination section at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, New Hampshire 03301.~~

~~(f) The licensing section has responsibility for the collection of fees and the licensing and examination of producers and adjusters both resident and non-resident in accordance with RSA 402-J.~~

~~(g) The licensing section may be contacted by telephone directly at (603) 271-2261, TDD access relay 800-735-2964, by facsimile, 603-271-7029, or by writing to the insurance commissioner to the attention of the licensing section at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, New Hampshire 03301.]~~

Ins 102.07 ~~[Rate and Form Compliance Division. The rate and form compliance division is subdivided into 2 sections as follows:]~~ ***Property and Casualty Division. This division is comprised of the property and casualty market conduct examinations unit and the property and casualty form examinations unit.***

(a) ~~[Life, accident and health]~~ ***The property and casualty market conduct examinations unit is described as follows:***

(1) ~~[The function of the life, accident and health section is to examine the rates and forms for all life and accident and health policies, riders, endorsements and applications, submitted to the section for approval prior to use to ensure conformity to the laws and rules of the state of New Hampshire.]~~ ***The property and casualty market conduct examinations unit performs on-site market conduct examinations, desk reviews, investigations, surveys, market analyses, and other steps to determine whether licensees of the department are performing in the marketplace following the laws and rules of this state;***

(2) ~~[The section may be reached directly by telephone, 603-271-2261, TDD access relay 800-735-2964, by facsimile, 603-271-0248, or by writing to the insurance commissioner to the attention of the life, accident and health section at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, N.H. 03301.]~~ ***This unit has primary responsibility to regulate and oversee the marketplace operations of insurance department licensees and any other entities regulated by the department;***

(3) ***The unit addresses market conduct problems using a variety of approaches including proactive outreach, department communications, licensee interviews, information gathering, licensee policies and procedures reviews, interrogatories, voluntary compliance programs, investigations, examinations, compliance programs, and enforcement actions; and***

(4) ***The unit shares and coordinates its results and certain activities with other states through participation in resources developed by the NAIC.***

(b) ~~The [P]property and casualty [described as follows:]~~ ***forms examinations unit examines rates and forms for casualty and property insurance contracts submitted to the division to ensure conformity to the laws and rules of the state of New Hampshire.***

~~[(1) The function of the property and casualty section is to examine for approval prior to use forms for casualty and property insurance contracts submitted to the division to ensure conformity to the laws and rules of the state of New Hampshire.~~

~~[(2) The property and casualty section may be contacted directly by telephone, 603-271-2261, TDD access relay 800-735-2964, by facsimile, 603-271-0248, or by writing to the insurance commissioner to the attention of the property and casualty section at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, N.H. 03301.]~~

Ins 102.08 Consumer Services Division.

(a) ~~[The consumer services division attempts to mediate disputes between insureds and department licensees, but does not mediate or assist with disputes where the complainant is represented by counsel or the dispute is before the courts.]~~ ***The communications director manages the consumer services division in accordance with RSA 400-A:6, VII.***

(b) ***The consumer services division investigates complaints and responds to inquiries received relating to any entity subject to the regulatory authority of the commissioner in accordance with RSA 400-A:15-e.***

(c) ***The consumer services division may refer matters to other divisions, law enforcement, or other agencies in this state or any other jurisdiction for further investigation or examination.***

~~[(b)d]~~ The consumer services division is comprised of ~~[3]2~~ functional areas as follows:

- (1) Property and casualty disputes; ***and***
- (2) Life~~[-accident]~~ and health disputes~~[-; and~~
- (3) ~~Adjudicative proceedings and enforcement].~~

~~[(e)e] [Insureds may contact t]~~ The consumer services division ***may be contacted*** directly by calling toll-free 1-800-852-3416, TDD access relay 800-735-2964, ~~[or]~~ by facsimile 603-271-~~[0248]~~ ***1406, or by email at consumerservices@ins.nh.gov.*** Written communications shall be addressed to the insurance commissioner to the attention of the consumer services division at the New Hampshire Insurance Department, ~~[56 Old Suncook Road,]~~ ***21 South Fruit Street, Suite 14,*** Concord, NH 03301. ~~[Licensees of the department and their employees shall not utilize the toll-free telephone lines.]~~ ***Online complaints may be submitted through the department's website at <https://www.nh.gov/insurance/complaints/index.htm>.***

Ins 102.09 Market Conduct Examinations Division.

(a) ~~The market conduct examinations division performs on-site market conduct examinations, desk reviews, investigations, surveys, market analyses and other steps to determine whether licensees of the department are performing in the marketplace following the laws and rules of this State.~~

(b) ~~This division has primary responsibility to regulate and oversee the marketplace operations of insurance department licensees including insurers, producers, premium finance companies, third party administrators, managing general agents, health maintenance organizations, managed care companies, purchasing alliances, insurance consultants, risk retention groups, rating organizations, multiple employer welfare arrangements, fraternal benefit societies, health service corporations, medical utilization review~~

entities, Delta Dental Plan of New Hampshire, Inc., claims adjusters and any other entities licensed by the department.

(c) The market conduct examinations division addresses market conduct problems using a variety of approaches including proactive outreach, department communications, licensee interviews, information gathering, licensee policies and procedures reviews, interrogatories, voluntary compliance programs, investigations, examinations, compliance programs and enforcement actions.

(d) The market conduct examinations division shares and coordinates its results and certain activities with other states through participation in resources developed by the National Association of Insurance Commissioners.

(e) The market conduct examinations division may be contacted by telephone directly, 603-271-2261, TDD access relay 800-735-2964, by facsimile, 603-271-1406, or by writing to the insurance commissioner to the attention of the market conduct examination division at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, N.H. 03301.

Ins 102.10 Information Technology (IT) Division:

(a) The IT division serves the needs of the department, by integrating technical solutions and services that increase the efficiency of agency operations.

(b) The IT division assists in the business planning and business process implementation needs of the department. The planning and process direction of the department is driven by our commitments, through the National Association of Insurance Commissioners. To deploy national uniformity of process, facilitating the efficiency for the insurance industry. Our direction is also driven by the State of New Hampshire commitment, to improve public access to department services through technology.

(c) The IT division does not serve the public directly, therefore communication of requests for any service, that may be IT related, should be directed to the most appropriate agency. The IT division may be contacted by telephone directly at 603-271-2261, TDD access relay 800-735-2964, by facsimile, 603-271-1406, or by writing to the insurance commissioner to the attention of the IT division at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, NH 03301.

Ins 102.11 Fraud Division:

(a) The fraud division is responsible for assisting the commissioner in administratively investigating allegations of insurance fraud and developing and implementing programs to prevent insurance fraud and abuse.

(b) The fraud division may be contacted directly by telephone, 603-271-2261 or 1-800-852-3416, TDD access relay 800-735-2964, by facsimile, 603-271-1406, or by written communication addressed to the insurance commissioner to the attention of the fraud division at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, N.H. 03301.]

PART Ins 103 REQUESTS FOR DEPARTMENT DOCUMENTS[~~/~~] **OR** RECORDS

Ins 103.01 Document Requests.

(a) Requests for copies of department documents *or records* shall be made pursuant to RSA 91-A.

(b) *All requests for copies of department documents or records shall be in a manner that would give the department notice of exactly what records the requestor is seeking, including the period of time from which the records are sought.*

(c) Requests may be delivered to the department:

- (1) By U.S. mail to the New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, NH 03301;***
- (2) By email to requests@ins.nh.gov;***
- (3) By facsimile transmission to 603-271-1402;***
- (4) By telephone at 603-271-2261; or***
- (5) In person.***

[Ins 103.02 Requests in Writing, Required Information]

(a) All requests for copies of department documents shall be in writing and shall be addressed to the insurance commissioner to the attention of the deputy commissioner, by U.S. mail at the New Hampshire Insurance Department, 56 Old Suncook Road, Concord, N.H. 03301, or by facsimile transmission 603-271-1402.

(b) Written requests shall include the following information:

- (1) Name of the individual(s) making request;***
- (2) Business name or association name, if any;***
- (3) Telephone number and facsimile number; and***
- (4) Specific description of documents being requested.]***

Ins 103.0[3]2 Department Response.

(a) The department shall respond to all [written] requests for records as soon as practicable and [pursuant to the provisions of] in accordance with RSA 91-A.

(b) When inspection of publicly available records is not immediately feasible, the requesting party and the department shall agree upon a mutually convenient time for such.

(c) By agreement between the requesting party and the department, copies shall be electronically sent to a valid email address provided by the requesting party.

(d) If copies are requested, the requesting party shall be charged a fee for the actual cost of the paper or electronic copies as assessed by the department.

APPENDIX

Rule	Specific State Statute the Rule Implements
Ins 101.01	RSA 400-A:15, I; RSA 400-A:3; RSA 541-A:16, I(a)
Ins 101.02	RSA 400-A:15, I; RSA 400-A:3; RSA 541-A:16, I(a)
Ins 102.01	RSA 400-A:15, I; RSA 400-A:1; RSA 400-A:3; RSA 400-A:9; RSA 400-A:10; RSA 400-A:6; RSA 541-A:16, I(a)
Ins 102.02	RSA 400-A:15, I; RSA 400-A:9; RSA 400-A:10; RSA 541-A:16, I(a)
Ins 102.03	RSA 400-A:15, I; RSA 400-A:9; RSA 400-A:10; RSA 400-A:6, VII; RSA 541-A:16, I(a)
Ins 102.04	RSA 400-A:15, I; RSA 400-A:9; RSA 400-A:10; RSA 400-A:6, VII; RSA 417:23; RSA 541-A:16, I(a)
Ins 102.05	RSA 400-A:15, I; RSA 400-A:9; RSA 400-A:10; RSA 400-A:6, VII; RSA 541-A:16, I(a)
Ins 102.06	RSA 400-A:15, I; RSA 400-A:9; RSA 400-A:10; RSA 400-A:6, VII; RSA 541-A:16, I(a)
Ins 102.07	RSA 400-A:15, I; RSA 400-A:9; RSA 400-A:10; RSA 541-A:16, I(a)
Ins 102.08	RSA 400-A:15, I RSA 400-A:9; RSA 400-A:10; RSA 400-A:15-e; RSA 541-A:16, I(a)
Ins 103.01	RSA 400-A:15, I; RSA 91-A:4; RSA 541-A:16, I(a)
Ins 103.02	RSA 400-A:15, I; RSA 91-A:4; RSA 541-A:16, I(a)